



UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/934,678	09/10/92	WOOD	E

VARGOT, M EXAMINER

D3M1/0303

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ART UNIT	PAPER NUMBER
1307	9

DATE MAILED: 03/03/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 12/9/93 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1 - 7 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 - 7 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable, not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 1307

1. In view of the preliminary amendment filed September 10, 1992 and in response to the letters of communication from applicant dated July 13 and December 9, 1993, the first office action mailed July 9, 1993 has been vacated and replaced by the following action.

2. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

3. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the invention.
 - 1. Field of the Invention.
 - 2. Description of the Related Art including information disclosed under 37 C.F.R. §§ 1.97-1.99.
- (e) Summary of the Invention.
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (i) Abstract of the Disclosure.

4. Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

Art Unit: 1307

regards as the invention. Claim 1, line 12, --liming-- should be inserted after "lateral". In claim 1, it is unclear if the first lateral is being lined from within the main pipe or from the lateral opening. Claim 2, line 2, --inflatable-- should be inserted after "said". Also, it is unclear how the seal can be inflated by the fluid pressure used to insert the lining -- the structural relationship between the seal and the fluid supply should be more clearly set forth. Claim 3, it is unclear how the seal arrangement can comprise an elbow pipe and at the same time be connected to "the elbow". Given the recitation in claim 2, does applicant intend that the elbow pipe is inflatable? These aspects (ie, the relationship between the elbow pipe, the seal and the fluid medium) require clarification. Is the elbow of line 5 of claim 3 the elbow pipe? At line 2 of the claim, "arrangement" is misspelled. Claim 4, lines 1-2, "when taken with Claim 2" is superfluous as such is implied in the dependency and this language should be deleted. Claim 4, last two lines, "the main pipe surface" technically lacks antecedent--presumably, such constitutes the inner surface? It is unclear how claim 5, in calling for a pair of bladders, limits the subject matter of claim 4 which calls for a single bladder. Claim 7, lines 3-4 and 7, the recitation "may be" renders the metes and bounds of the claim indefinite and this should be replaced with --is--. At lines 5 and 7, is the elbow specified the elbow pipe?

Art Unit: 1307

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Application 241,719 in view of PCT Application 85/03758. The primary reference discloses the basic claimed process and apparatus for lining a lateral pipe using an elbow pipe (see Figs. 19-21) through which a fluid medium under pressure exerts a resin impregnated lining, European -719 lacking essentially the aspects of employing an inflatable sealing means at the lateral/main pipe junction and that a pressure pipe would extend past the seal arrangement to reline additional laterals. PCT -758 discloses an inflatable sealing means (3-5, 10 in Fig. 1) and its employment in the process and device of the primary reference would have been obvious at the time of invention to eliminate any possibility of mains water

Serial Number: 07/934,678

-5-

Art Unit: 1307

flow from interfering with the lateral lining. Concerning the latter issue, the instant claims are broad enough to read on lining the lateral from its outside such that the elbow pipe would be located externally of the main pipe. As such, it would have been obvious to one of ordinary skill in the art at the time of invention to provide additional pressure pipes extending past the opening of the lateral to the main pipe (ie, providing them within the main pipe) dependent on the number of laterals needing relining.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is (703) 308-2621.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

M. Vargot

February 27, 1994

M. Vargot
MATHIEU VARGOT
PATENT EXAMINER
GROUP 1300

2/27/94